

VOTER IDENTIFICATION AMENDMENTS

2010 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Bradley M. Daw

Senate Sponsor: Peter C. Knudson

LONG TITLE

General Description:

This bill modifies the Election Code by amending the definition of valid voter identification.

Highlighted Provisions:

This bill:

► clarifies that each of the following forms of personal identification is valid voter identification by itself:

- a currently valid United States military identification card;
- a Bureau of Indian Affairs card; or
- a tribal treaty card; and

► makes technical changes.

Monies Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:

20A-1-102, as last amended by Laws of Utah 2009, Chapter 45

Be it enacted by the Legislature of the state of Utah:

Section 1. Section **20A-1-102** is amended to read:

20A-1-102. Definitions.

30 As used in this title:

31 (1) "Active voter" means a registered voter who has not been classified as an inactive
32 voter by the county clerk.

33 (2) "Automatic tabulating equipment" means apparatus that automatically examines
34 and counts votes recorded on paper ballots or ballot sheets and tabulates the results.

35 (3) "Ballot" means the storage medium, whether paper, mechanical, or electronic,
36 upon which a voter records his votes and includes ballot sheets, paper ballots, electronic
37 ballots, and secrecy envelopes.

38 (4) "Ballot sheet":

39 (a) means a ballot that:

40 (i) consists of paper or a card where the voter's votes are marked or recorded; and

41 (ii) can be counted using automatic tabulating equipment; and

42 (b) includes punch card ballots, and other ballots that are machine-countable.

43 (5) "Ballot label" means the cards, papers, booklet, pages, or other materials that
44 contain the names of offices and candidates and statements of ballot propositions to be voted
45 on and which are used in conjunction with ballot sheets that do not display that information.

46 (6) "Ballot proposition" means a question, issue, or proposal that is submitted to voters
47 on the ballot for their approval or rejection including:

48 (a) an opinion question specifically authorized by the Legislature;

49 (b) a constitutional amendment;

50 (c) an initiative;

51 (d) a referendum;

52 (e) a bond proposition;

53 (f) a judicial retention question; or

54 (g) any other ballot question specifically authorized by the Legislature.

55 (7) "Board of canvassers" means the entities established by Sections 20A-4-301 and
56 20A-4-306 to canvass election returns.

57 (8) "Bond election" means an election held for the purpose of approving or rejecting

58 the proposed issuance of bonds by a government entity.

59 (9) "Book voter registration form" means voter registration forms contained in a
60 bound book that are used by election officers and registration agents to register persons to
61 vote.

62 (10) "By-mail voter registration form" means a voter registration form designed to be
63 completed by the voter and mailed to the election officer.

64 (11) "Canvass" means the review of election returns and the official declaration of
65 election results by the board of canvassers.

66 (12) "Canvassing judge" means a poll worker designated to assist in counting ballots
67 at the canvass.

68 (13) "Convention" means the political party convention at which party officers and
69 delegates are selected.

70 (14) "Counting center" means one or more locations selected by the election officer in
71 charge of the election for the automatic counting of ballots.

72 (15) "Counting judge" means a poll worker designated to count the ballots during
73 election day.

74 (16) "Counting poll watcher" means a person selected as provided in Section
75 20A-3-201 to witness the counting of ballots.

76 (17) "Counting room" means a suitable and convenient private place or room,
77 immediately adjoining the place where the election is being held, for use by the poll workers
78 and counting judges to count ballots during election day.

79 (18) "County executive" has the meaning as provided in Subsection 68-3-12(2).

80 (19) "County legislative body" has the meaning as provided in Subsection 68-3-12(2).

81 (20) "County officers" means those county officers that are required by law to be
82 elected.

83 (21) "Election" means a regular general election, a municipal general election, a
84 statewide special election, a local special election, a regular primary election, a municipal
85 primary election, and a local district election.

86 (22) "Election Assistance Commission" means the commission established by Public
87 Law 107-252, the Help America Vote Act of 2002.

88 (23) "Election cycle" means the period beginning on the first day persons are eligible
89 to file declarations of candidacy and ending when the canvass is completed.

90 (24) "Election judge" means a poll worker that is assigned to:

- 91 (a) preside over other poll workers at a polling place;
- 92 (b) act as the presiding election judge; or
- 93 (c) serve as a canvassing judge, counting judge, or receiving judge.

94 (25) "Election officer" means:

- 95 (a) the lieutenant governor, for all statewide ballots;
- 96 (b) the county clerk or clerks for all county ballots and for certain ballots and elections
97 as provided in Section 20A-5-400.5;
- 98 (c) the municipal clerk for all municipal ballots and for certain ballots and elections as
99 provided in Section 20A-5-400.5;
- 100 (d) the local district clerk or chief executive officer for certain ballots and elections as
101 provided in Section 20A-5-400.5; and
- 102 (e) the business administrator or superintendent of a school district for certain ballots
103 or elections as provided in Section 20A-5-400.5.

104 (26) "Election official" means any election officer, election judge, or poll worker.

105 (27) "Election results" means, for bond elections, the count of those votes cast for and
106 against the bond proposition plus any or all of the election returns that the board of canvassers
107 may request.

108 (28) "Election returns" includes the pollbook, all affidavits of registration, the military
109 and overseas absentee voter registration and voting certificates, one of the tally sheets, any
110 unprocessed absentee ballots, all counted ballots, all excess ballots, all unused ballots, all
111 spoiled ballots, the ballot disposition form, and the total votes cast form.

112 (29) "Electronic ballot" means a ballot that is recorded using a direct electronic voting
113 device or other voting device that records and stores ballot information by electronic means.

114 (30) (a) "Electronic voting device" means a voting device that uses electronic ballots.

115 (b) "Electronic voting device" includes a direct recording electronic voting device.

116 (31) "Inactive voter" means a registered voter who has been sent the notice required by
117 Section 20A-2-306 and who has failed to respond to that notice.

118 (32) "Inspecting poll watcher" means a person selected as provided in this title to
119 witness the receipt and safe deposit of voted and counted ballots.

120 (33) "Judicial office" means the office filled by any judicial officer.

121 (34) "Judicial officer" means any justice or judge of a court of record or any county
122 court judge.

123 (35) "Local district" means a local government entity under Title 17B, Limited
124 Purpose Local Government Entities - Local Districts, and includes a special service district
125 under Title 17D, Chapter 1, Special Service District Act.

126 (36) "Local district officers" means those local district officers that are required by law
127 to be elected.

128 (37) "Local election" means a regular municipal election, a local special election, a
129 local district election, and a bond election.

130 (38) "Local political subdivision" means a county, a municipality, a local district, or a
131 local school district.

132 (39) "Local special election" means a special election called by the governing body of
133 a local political subdivision in which all registered voters of the local political subdivision may
134 vote.

135 (40) "Municipal executive" means:

136 (a) the mayor in the council-mayor form of government defined in Section 10-3b-102;
137 and

138 (b) the mayor in the council-manager form of government defined in Subsection
139 10-3b-103(6).

140 (41) "Municipal general election" means the election held in municipalities and local
141 districts on the first Tuesday after the first Monday in November of each odd-numbered year

142 for the purposes established in Section 20A-1-202.

143 (42) "Municipal legislative body" means the council of the city or town in any form of
144 municipal government.

145 (43) "Municipal officers" means those municipal officers that are required by law to
146 be elected.

147 (44) "Municipal primary election" means an election held to nominate candidates for
148 municipal office.

149 (45) "Official ballot" means the ballots distributed by the election officer to the poll
150 workers to be given to voters to record their votes.

151 (46) "Official endorsement" means:

152 (a) the information on the ballot that identifies:

153 (i) the ballot as an official ballot;

154 (ii) the date of the election; and

155 (iii) the facsimile signature of the election officer; and

156 (b) the information on the ballot stub that identifies:

157 (i) the poll worker's initials; and

158 (ii) the ballot number.

159 (47) "Official register" means the official record furnished to election officials by the
160 election officer that contains the information required by Section 20A-5-401.

161 (48) "Paper ballot" means a paper that contains:

162 (a) the names of offices and candidates and statements of ballot propositions to be
163 voted on; and

164 (b) spaces for the voter to record his vote for each office and for or against each ballot
165 proposition.

166 (49) "Political party" means an organization of registered voters that has qualified to
167 participate in an election by meeting the requirements of Title 20A, Chapter 8, Political Party
168 Formation and Procedures.

169 (50) (a) "Poll worker" means a person assigned by an election official to assist with an

170 election, voting, or counting votes.

171 (b) "Poll worker" includes election judges.

172 (c) "Poll worker" does not include a watcher.

173 (51) "Pollbook" means a record of the names of voters in the order that they appear to
174 cast votes.

175 (52) "Polling place" means the building where voting is conducted.

176 (53) "Position" means a square, circle, rectangle, or other geometric shape on a ballot
177 in which the voter marks his choice.

178 (54) "Provisional ballot" means a ballot voted provisionally by a person:

179 (a) whose name is not listed on the official register at the polling place;

180 (b) whose legal right to vote is challenged as provided in this title; or

181 (c) whose identity was not sufficiently established by a poll worker.

182 (55) "Provisional ballot envelope" means an envelope printed in the form required by
183 Section 20A-6-105 that is used to identify provisional ballots and to provide information to
184 verify a person's legal right to vote.

185 (56) "Primary convention" means the political party conventions at which nominees
186 for the regular primary election are selected.

187 (57) "Protective counter" means a separate counter, which cannot be reset, that is built
188 into a voting machine and records the total number of movements of the operating lever.

189 (58) "Qualify" or "qualified" means to take the oath of office and begin performing the
190 duties of the position for which the person was elected.

191 (59) "Receiving judge" means the poll worker that checks the voter's name in the
192 official register, provides the voter with a ballot, and removes the ballot stub from the ballot
193 after the voter has voted.

194 (60) "Registration form" means a book voter registration form and a by-mail voter
195 registration form.

196 (61) "Regular ballot" means a ballot that is not a provisional ballot.

197 (62) "Regular general election" means the election held throughout the state on the

198 first Tuesday after the first Monday in November of each even-numbered year for the purposes
199 established in Section 20A-1-201.

200 (63) "Regular primary election" means the election on the fourth Tuesday of June of
201 each even-numbered year, at which candidates of political parties and nonpolitical groups are
202 voted for nomination.

203 (64) "Resident" means a person who resides within a specific voting precinct in Utah.

204 (65) "Sample ballot" means a mock ballot similar in form to the official ballot printed
205 and distributed as provided in Section 20A-5-405.

206 (66) "Scratch vote" means to mark or punch the straight party ticket and then mark or
207 punch the ballot for one or more candidates who are members of different political parties.

208 (67) "Secrecy envelope" means the envelope given to a voter along with the ballot into
209 which the voter places the ballot after he has voted it in order to preserve the secrecy of the
210 voter's vote.

211 (68) "Special election" means an election held as authorized by Section 20A-1-204.

212 (69) "Spoiled ballot" means each ballot that:

213 (a) is spoiled by the voter;

214 (b) is unable to be voted because it was spoiled by the printer or a poll worker; or

215 (c) lacks the official endorsement.

216 (70) "Statewide special election" means a special election called by the governor or the
217 Legislature in which all registered voters in Utah may vote.

218 (71) "Stub" means the detachable part of each ballot.

219 (72) "Substitute ballots" means replacement ballots provided by an election officer to
220 the poll workers when the official ballots are lost or stolen.

221 (73) "Ticket" means each list of candidates for each political party or for each group of
222 petitioners.

223 (74) "Transfer case" means the sealed box used to transport voted ballots to the
224 counting center.

225 (75) "Vacancy" means the absence of a person to serve in any position created by

226 statute, whether that absence occurs because of death, disability, disqualification, resignation,
227 or other cause.

228 (76) "Valid voter identification" means:

229 (a) a form of identification that bears the name and photograph of the voter which may
230 include:

231 (i) a currently valid Utah driver license;

232 (ii) a currently valid identification card that is issued by:

233 (A) the state; or

234 (B) a branch, department, or agency of the United States;

235 (iii) a currently valid Utah permit to carry a concealed weapon;

236 (iv) a currently valid United States passport; or

237 (v) a currently valid United States military identification card;

238 [~~(v) a valid tribal identification card;~~]

239 (b) one of the following identification cards, whether or not the card includes a
240 photograph of the voter[;]:

241 (i) a valid tribal identification card;

242 (ii) a Bureau of Indian Affairs card; or

243 (iii) a tribal treaty card; or

244 [~~(b)~~] (c) two forms of identification not listed under Subsection (76)(a) or (b) but that
245 bear the name of the voter and provide evidence that the voter resides in the voting precinct,
246 which may include:

247 (i) a current utility bill or a legible copy thereof, dated within the 90 days before the
248 election;

249 (ii) a bank or other financial account statement, or a legible copy thereof;

250 (iii) a certified birth certificate;

251 (iv) a valid Social Security card;

252 (v) a check issued by the state or the federal government or a legible copy thereof;

253 (vi) a paycheck from the voter's employer, or a legible copy thereof;

254 (vii) a currently valid Utah hunting or fishing license;
255 [~~(viii) a currently valid United States military identification card;~~]
256 [~~(ix)~~ (viii) certified naturalization documentation;
257 [~~(x)~~ (ix) a currently valid license issued by an authorized agency of the United States;
258 [~~(xi)~~ (x) a certified copy of court records showing the voter's adoption or name
259 change;
260 [~~(xii) a Bureau of Indian Affairs card;~~]
261 [~~(xiii) a tribal treaty card;~~]
262 [~~(xiv)~~ (xi) a valid Medicaid card, Medicare card, or Electronic Benefits Transfer
263 Card;
264 [~~(xv)~~ (xii) a currently valid identification card issued by:
265 (A) a local government within the state;
266 (B) an employer for an employee; or
267 (C) a college, university, technical school, or professional school located within the
268 state; or
269 [~~(xvi)~~ (xiii) a current Utah vehicle registration~~[-or]~~.
270 [~~(xvii) a form of identification listed in Subsection (76)(a) that does not contain a
271 photograph, but establishes the name of the voter and provides evidence that the voter resides
272 in the voting precinct, if at least one other form of identification listed in Subsection (76)(b)(i)
273 through (xv) is also presented.]~~
274 (77) "Valid write-in candidate" means a candidate who has qualified as a write-in
275 candidate by following the procedures and requirements of this title.
276 (78) "Voter" means a person who meets the requirements for voting in an election,
277 meets the requirements of election registration, is registered to vote, and is listed in the official
278 register book.
279 (79) "Voter registration deadline" means the registration deadline provided in Section
280 20A-2-102.5.
281 (80) "Voting area" means the area within six feet of the voting booths, voting

282 machines, and ballot box.

283 (81) "Voting booth" means:

284 (a) the space or compartment within a polling place that is provided for the
285 preparation of ballots, including the voting machine enclosure or curtain; or

286 (b) a voting device that is free standing.

287 (82) "Voting device" means:

288 (a) an apparatus in which ballot sheets are used in connection with a punch device for
289 piercing the ballots by the voter;

290 (b) a device for marking the ballots with ink or another substance;

291 (c) an electronic voting device or other device used to make selections and cast a
292 ballot electronically, or any component thereof;

293 (d) an automated voting system under Section 20A-5-302; or

294 (e) any other method for recording votes on ballots so that the ballot may be tabulated
295 by means of automatic tabulating equipment.

296 (83) "Voting machine" means a machine designed for the sole purpose of recording
297 and tabulating votes cast by voters at an election.

298 (84) "Voting poll watcher" means a person appointed as provided in this title to
299 witness the distribution of ballots and the voting process.

300 (85) "Voting precinct" means the smallest voting unit established as provided by law
301 within which qualified voters vote at one polling place.

302 (86) "Watcher" means a voting poll watcher, a counting poll watcher, an inspecting
303 poll watcher, and a testing watcher.

304 (87) "Western States Presidential Primary" means the election established in Title
305 20A, Chapter 9, Part 8.

306 (88) "Write-in ballot" means a ballot containing any write-in votes.

307 (89) "Write-in vote" means a vote cast for a person whose name is not printed on the
308 ballot according to the procedures established in this title.